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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-seventh session

SUMMARY RECORD OF THE 1404th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 2 August 2000, at 10 a.m.

Chairman: Mr. SHERIFIS

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Fifteenth periodic report of Finland (continued) (CERD/C/363/Add.2; HRI/CORE/1/Add.59/Rev.2)

1. At the invitation of the Chairman, the members of the delegation of Finland resumed their places at the Committee table.

2. Mr. ABOUL-NASR noted that, despite the efforts of the international community to promote human rights and put an end to discrimination, the overall situation in the world seemed to be worsening. He had considered Finland to be an example of tolerance and during his visit to Finland for the Olympic Games had been struck by the warmth with which the Finnish people had welcomed their foreign visitors. He was therefore all the more dismayed to read the statistics provided by the Finnish League for Human Rights according to which only 18 per cent of Finns believed themselves to be not racist, large numbers of immigrants had experienced discrimination and 32 per cent of men and 25 per cent of women were of the opinion that the practice of Islam should not be allowed in Finland. It seemed that the legislative changes introduced by the Finnish Government and the recommendations of international human rights bodies were not having their intended effect and he wondered whether the international community was on the right track and whether some better way of promoting human rights and changing attitudes must be found.

3. Ms. McDOUGALL asked whether the issue of indigenous land rights had been resolved to the satisfaction of the indigenous people. She acknowledged the establishment of the Land Rights Council, made up of government and Sami representatives, with the power to take decisions on land use, although the State would retain title to the land itself but wondered what power the Council would have to enforce its decisions and also whether the indigenous people would have preferred to have land title transferred to them.

4. Mr. BOSSUYT agreed that in general the report from Finland had been an excellent one. It was not, however, correct to describe Finland as a multicultural and multi-ethnic society; at best it was bi-cultural, with a large Finnish minority and a small Swedish linguistic minority (5.8 per cent), a vestige of past Swedish domination of the area; it was somewhat surprising that little information had been provided on relations between those two ethnic groups. The Government's enormous efforts to meet the aspirations of the Sami people were exemplary and exceeded international standards, especially given the small size of the Sami population; it did not seem unreasonable to require that those who wished to be recognized as Sami should be able to speak the language. With regard to the Roma, it would be interesting to receive more information on their history in Finland and why they seemed to have more problems than other groups and than they had had in the past. A negative attitude towards the Roma was clearly not unique to Central Europe and all countries needed to work together to remedy that situation. While the granting of asylum to a few hundred Roma might help ease the collective conscience of Finns, it did little to solve the problem of the millions of Roma who were victims of

discrimination across Europe. The granting of asylum was of course appropriate if the Roma applying for refugee status had truly been victims of persecution by the Governments of their countries of origin, but that was often not the case.

5. It was paradoxical that, despite the strenuous efforts of the Finnish Government to implement the Convention and the country's reputation for openness and tolerance and solidarity with the international community, there were still problems and that they seemed to increase as soon as large numbers of immigrants began to arrive, as for example in the case of the Somalis. In publicizing efforts to combat abuses of the right to asylum, the Government ran the risk of creating the impression amongst the population that there was a more serious problem than in fact existed, which might be one of the causes of xenophobia. The Government's efforts and motives should be clearly explained and a distinction made between refugees and legal and illegal immigrants. In the case of legal immigrants, he also wished to know what criteria the Government was using in addition to the Geneva Convention relating to the Status of Refugees.

6. Mr. RECHETOV said that, as one of the world's leading democracies, Finland had a responsibility to ensure that it complied with the Convention and that its legal system fully protected minorities and indigenous peoples. The Finnish delegation must impress on its Government the importance of ratifying International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, to provide an example for other, less democratic regimes. The central issue was not only that of land rights but also of the correct use for the land.

7. He also shared the concern expressed by Mr. Aboul-Nasr about anti-Islamic attitudes but did not agree with Mr. Bossuyt that the attention given to the problems of the Sami seemed almost out of proportion to their small number. The latter were, after all, the indigenous people of the country and were entitled to full enjoyment of their rights; indeed, it would be desirable for the delegation to invite a representative of the Sami to appear before the Committee.

8. Mr. SHAHI agreed that the report from Finland had been exemplary and supported previous speakers' comments. He had, however, also been struck by the reported anti-Islamic prejudice noted by Mr. Aboul-Nasr and Mr. Lechuga Hevia. In that context, he drew attention to the European Commission against Racism and Intolerance (ECRI) General Policy Recommendation No. 5 on Combating Intolerance and Discrimination against Muslims, which recalled the significant contribution which Islamic civilization had made to European culture, the instruments and measures to combat intolerance and the dangers of hostile stereotyping of Islam, and made a number of recommendations to remedy that situation. He hoped that the next report from Finland would describe measures taken to implement that General Policy Recommendation.

9. The CHAIRMAN, speaking in his personal capacity, explained that the Committee was especially interested in the situation of vulnerable groups, such as refugees and immigrants. While recognizing that the Government was taking measures to meet their needs, he asked whether enough was being done to improve relations between those groups and the general population and to reduce the number of racially-motivated crimes. He was concerned that the amendments to the Aliens Act aimed at accelerating procedures could be interpreted negatively

by vulnerable groups. Noting the creation of the Office of the Ombudsman for Aliens, he wondered whether its powers could be strengthened to enable it to intervene more actively in support of such vulnerable groups.

10. Mr. AARNIO (Finland), replying to the Committee's questions, said that, while the definition of discrimination in national legislation might vary, the public authorities had been consistent in interpreting it, primarily on the basis of the Constitution. However, in applying European Union directives, with their own definitions, the Government might have to reconsider some legislative provisions and re-evaluate how best to implement article 4 of the Convention and incorporate it into Finnish law.

11. In practice, racist motives had been an aggravating factor in sentencing in exceptional cases, but there was indeed no legislation yet on the subject. As to the case of the racist comments about Roma made in a newspaper column written by an individual police officer, referred to by the Finnish League for Human Rights, the resulting opinion by the Parliamentary Ombudsman had led the Prosecutor-General to issue new instructions to all public prosecutors.

12. Concerning Sami land rights and the possible ratification of ILO Convention No. 169, a special rapporteur appointed by the Ministry of Justice with the approval of the Sami Parliament had submitted a proposal in October 1999. The huge task of reviewing the 1,000-page text of differing opinions submitted to the Ministry of Justice on that proposal made it impossible to set a timetable in the matter. For the moment, there was no right of ownership over the lands in question, but only a guaranteed usufruct. However, establishment of a right of ownership was not a precondition for ratification of the ILO Convention. The delegation welcomed the advice the Committee had given on the future work and composition of the proposed Land Rights Council. On the definition of a Sami, the recent Supreme Administrative Court decision had removed all doubts as to the proper interpretation, but the Act on the Sami Parliament would have to be amended accordingly before the next parliamentary elections. It was true, as had been noted, that no Sami was a member of the delegation; however, the Government, bearing in mind the much more troubling situation of the Roma minority in Finland, had appointed a Roma representative to the delegation.

13. Mr. CORTÉS-TELLEZ (Finland) said that freedom of the press, without prior censorship, was guaranteed by the Constitution. At the same time, racial discrimination and incitement to racial hatred were punishable by law. When those two principles conflicted - which occurred rarely - the second took precedence. Thus far, however, the Finnish press had by and large been decent and fair on ethnic questions, as confirmed in a recent university study of the matter. Aware of the media's great responsibility, the Journalists' Association had adopted an ethical code on how to report about immigrants without unnecessary references to ethnic origin, and that code had been largely respected. Going further, however, the Ministry of Education was helping to finance a training programme for journalists run by Finnish Refugee Aid, a non-governmental organization (NGO). The Government would, of course, continue to monitor ethnic references in the media, even though the situation was generally in order.

14. Regarding the training of public officials in human rights and ethnic questions, that had long been part of their basic training, which now extended to members of the police force,

prosecutors and judges and, through the Ministry of Labour, to employers. It was a slow process, however, to modify the attitudes of adults. Appendix 3 to the report of Finland provided further information on relevant government training programmes.

15. In addition, the Government regularly monitored the attitudes of the general public and of government officials to racism, reviewed the reports on crime statistics and conducted media surveys and surveys on discrimination in the labour market. An annual report on discrimination and racism was to be prepared by the Ombudsman against Ethnic Discrimination, with the assistance of NGOs, and would provide comparative data. A recent opinion poll inquiring of Finns how they felt about their own racist attitudes - financed by the European Union in Finland and other European countries - had been criticized for using a methodology that relied too heavily on the respondent's opinion of themselves rather than asking how they felt about issues such as immigration or religious intolerance. The delegation would subsequently provide more information on the outcome of the public opinion polls taken since 1987. On the question of immigrants, the majority of Finns surveyed in the 1980s had been tolerant of increased immigration; in the 1990s the opinions had been more negative; and there had been a recent return to a more positive attitude to numbers of immigrants and to refugees.

16. There were national educational guidelines for teaching about cultural identity and diversity and human rights in schools. However, since individual schools had their own curricula, modelled on the guidelines, there was now less State control than before. The new generation of teachers with experience in such courses provided expertise, and much more material and documentation was available than before, since Finland had only recently become a multicultural country.

17. Almost all Finnish-speaking and Swedish-speaking Finns were bilingual. The Swedish-speaking minority - which did not wish to be regarded as a cultural minority despite the lively theatre and cultural events in Swedish - was very well integrated into society. Although the situation did not pose a problem, the Language Act, a progressive piece of legislation, made a point of guaranteeing language rights and stipulating that in the schools Swedish speakers must learn Finnish and vice versa.

18. Ms. VANAMO-ALHO (Finland) said that, before the recent amendment of the Aliens Act, the accelerated asylum procedure had taken 6 to 12 months, longer than in other Baltic and European countries. Faced with a huge influx of manifestly unfounded requests for asylum, the Government had amended the Aliens Act, along the lines of a 1983 Conclusion of the Executive Committee of the Office of the United Nations High Commissioner for Refugees (UNHCR), to provide for submission to a review body but eliminate any right of appeal or to a statement by the applicant after a decision of the first instance. The Constitutional Committee of Parliament, however, had found that provision unconstitutional and in violation of the right to a fair trial. A new provision in effect since early July 2000 restored the full right of appeal and to a hearing within eight days of a first decision, even in cases where the safe country concept applied or in those considered manifestly unfounded. It should be noted that the accelerated procedure came into play only in certain cases specified by the law, to ensure that no irreparable damage would be done. Concomitantly, more resources had been allocated to the Refugee Advice Centre so that all applicants could have access to free legal aid.

19. The Aliens Act did not give a specific list of safe countries of origin or asylum, but only a general definition and some examples. All asylum applicants could, however, rebut the presumption of safety when explaining their own situation. The final say on what constituted a safe country rested with the appeals courts, not with political institutions. A review of the statistics on asylum decisions would allow conclusions to be drawn as to which countries were regarded safe under the Aliens Act.

20. Owing to an unprecedented influx of asylum-seekers from Slovakia, the Government had imposed a visa requirement on Slovaks but had done so only as a last resort in the face of so many unfounded applications. The reforms of the asylum procedure that had been enacted would minimize abuse. The chief grounds on which aliens applied for entry into Finland were international protection, family ties and Finnish origin. Illegal immigration was virtually unknown. A working group had been set up to change the system whereby aliens were detained together with criminals and suspects.

21. Mr. LAAKONEN (Finland) said that it would be the role of the Ombudsman against Ethnic Discrimination to prevent and monitor racial discrimination, promote good relations among all groups in society and see to it that the rights of ethnic minorities, especially the Roma minority, were safeguarded. The Government would reach a final decision the following week about establishing the post of that Ombudsman, and the statements made by members of the Committee would provide arguments in favour of establishment. The Labour Protection Authority was responsible for working with the Ombudsman against Ethnic Discrimination and other authorities and social partners to prevent discrimination in employment. Its task was to inform immigrants and ethnic minorities about their rights and advise victims of employment discrimination.

22. The Advisory Board for Ethnic Relations, of which he was Secretary-General, could make decisions only when all its members were present. The members with a migrant or ethnic minority background could also discuss common agenda items prior to the meetings in which decisions were taken. One section of the Board dealt with relations between different religions; its Chairperson was a Muslim who also chaired the Islam Society of Finland.

23. Ms. VUOLASRANTA (Finland) said that, as a representative of the Roma minority, she was grateful for the Committee's concern about the situation of the Roma, including their exclusion from society. The human rights situation of Roma had been ignored for too long. In that regard, it was pleasing to note the reference made by the United Nations High Commissioner for Human Rights to the Committee's forthcoming thematic discussion of discrimination against Roma. Answers to most of the questions raised could be found in a brochure relating to Finland's Roma population, copies of which would be made available to Committee members.

24. On the subject of education, for almost 20 years the employment authorities had worked in cooperation with the Roma community to provide vocational training for Roma, thereby strengthening the commitment to the objective of reforming traditional structures so as to meet present-day demands, for example in the fields of social welfare and health care. The training, provided under the training and employment project for the Roma people, Romako, with the support of the Ministry of Labour had led to a general increase in the educational levels of Roma

adults. However, difficulties persisted in the labour market as a result of general prejudices and discrimination. In that connection, the Ministries of Social Affairs and Health, Environment and Education had produced a series of guidebooks for authorities in daily contact with Roma. Those guidebooks were designed to promote mutual understanding and to eliminate existing prejudices. An education unit devoted to Roma had now been operating for some months in conjunction with the National Board of Education. Similarly, in January 2000 pre-school education legislation had been updated, whereby decisions affecting the interests of Roma children and children from other vulnerable and minority groups were taken in cooperation with the children's parents. The Ministry of Social Affairs and Health had decided to offer financial support to a major project for the production of teaching materials for pre-schools and day-care centres. Some of the materials produced were in the Roma language.

25. With regard to the improvements made in administration, the strategies and policies devised had focused on the Roma's participation in decision-making processes and society in general. The main aim of an inter-ministerial committee which had recently been established was to develop administration at local and provincial levels with the involvement of Roma representatives.

26. The Roma had entered Finland via Sweden and the Baltic countries in the sixteenth century and in the past they had been victims of discrimination, social exclusion and assimilation. However, the Advisory Board for Roma Affairs had now been operating for three years in conjunction with the government authorities and had also served in the context of the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe as a model for other countries in the attempts made to cooperate with the Roma minority. Assimilation was not in itself a solution to the problems encountered and the Roma must participate in their own development and that of society.

27. With reference to housing, Roma couples still met with difficulties in finding rented accommodation. The problems were not as great as in other countries, however, since the whole of the Roma population in Finland was now settled and enjoyed the same standard of living as the majority. It was hoped that the relevant guidebooks would help overcome persistent prejudice.

28. Finally, the Ministry for Foreign Affairs contributed financially to a specialist group on Roma affairs set up by the Council of Europe, the only one of its kind at European level. The group held twice-yearly meetings in which experts from other European and world bodies participated.

29. The CHAIRMAN informed the delegation that the Committee was actively preparing for its thematic discussion on discrimination against Roma. The three meetings to be held on that subject would be attended by a wide range of participants from both United Nations bodies and regional organizations.

30. Mr. KOSONEN (Finland), responding to questions raised by the Country Rapporteur, said that reference had been made to a legal case concerning the indigenous Sami people. The case, in which a breach of article 27 of the International Covenant on Civil and Political Rights had been alleged, related to forestry, the construction of forest roads and logging. No statement

could be made on the case since it was still pending. However, similar cases had arisen in the past and were part of the Human Rights Committee case law, for example that of O.S. v. Finland in which it had been ruled that the Samis were entitled to take action on grounds of belonging to an ethnic minority, even though they did not actually own the land in question. In a second case, Lënsman 1 v. Finland, it had been concluded that no breach of article 27 had been committed although, if the activities concerned were to expand, a possible breach might result in the future. In a third case, Lënsman 2 v. Finland, it had been decided that no breach had occurred but that the activities of others must be taken into account by authorities operating in particular areas. In those cases no irreparable damage had been found. The Samis had been given the opportunity to express their views in meetings with the relevant authorities, a development which had satisfied the Human Rights Committee. Consultations with such indigenous populations on such forestry projects could, however, still be improved, to obviate the need for the Samis to take legal action. Only one case was still pending before the Human Rights Committee.

31. In response to a question raised as to why no communications had been submitted to the Committee under article 14, he said that Finland had accepted the procedures for individual communications under the Convention against Torture, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, and also the UNESCO Committee on Conventions and Recommendations. One reason might be that individual complaints could be submitted, in the applicant's own language and with provision of free legal aid and for compensation, to the European Court of Human Rights, the decisions of which were binding under international law. Moreover, in June 2000 the Committee of Ministers of the Council of Europe had accepted a draft Protocol No. 12 to the European Convention on Human Rights containing a general prohibition on discrimination on the grounds of race. He acknowledged, however, that more could be done to disseminate information to the public on the work of the Committee through the Ombudsman, libraries and, more particularly, the Internet.

32. Ms. ROTOLA-PUKKILA (Finland) said that the Convention had been published in a national series of treaty studies in Finnish, English and Swedish. Similarly, a series of publications issued by the Ministry for Foreign Affairs contained detailed information on the individual communication procedure under article 14 of the Convention. A digital database was available to the public on the Internet, which contained the texts of the international agreements in force in Finland. Periodic government reports were also published on the Internet. The Ministry for Foreign Affairs was currently studying further ways of enhancing the dissemination of information on Finland's human rights obligations, including those under the Convention.

33. Mr. DIACONU (Country Rapporteur) said that he was very encouraged by the dialogue conducted and responses provided. Finland was fully aware of the existing problems and of the direction in which it should move in the future to resolve them. Finland's contribution to the ongoing debate on Roma was also appreciated and would be taken into account in the drafting of the Committee's concluding observations.

34. The facts presented relating to the Sami population had been taken from the 1999 Annual Report of the International Helsinki Federation for Human Rights. Problems still existed in that area and it was to be hoped that Finland would continue to consult Sami representatives in order

to avoid complaints in the future. Problems also persisted with regard to the general attitude towards foreigners. The full responses provided should be even more complete in the future if efforts to eliminate all forms of racial discrimination were to be successful.

35. Mr. AARNIO (Finland) thanked the Committee for the fruitful and constructive dialogue and said that a press conference would be held to provide information on the recommendations made by the Committee. He regretted to inform the Committee that he had no further information on a question asked by Mr. Nobel about the holding of a seminar on related issues. The failure to hold the seminar was the result of responsibilities ensuing under the Finnish presidency of the European Union.

36. The CHAIRMAN commended the exemplary exchange of views on a periodic report that had been praised by all members of the Committee.

The meeting rose at 12.20 p.m.